

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

PHILLIP DAVID HASKETT,

*Plaintiff,*

VS.

CINCO ENERGY MANAGEMENT  
GROUP, *d/b/a* CINCO ENERGY  
SERVICES, *et al.*

*Defendants.*

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CIVIL ACTION 3:14-CV-0280

**MEMORANDUM AND ORDER**


On March 1, 2015, this Court Granted Cinco Energy Management Group's ("Cinco") Motion to Dismiss (Dkt. 35) and entered a final judgment dismissing the above-styled action with prejudice. Dkt. 36. On March 30, 2015, Plaintiff filed a "Rule 59(e) Motion to Reconsider, Alter, Amend and/or Vacate Order Dismissing Plaintiff's First Amended Complaint." Dkt. 37. After considering the Motion, all responses, and the applicable law, it is **ORDERED** that Plaintiff's Motion (Dkt. 37) is hereby **DENIED**.

Also on March 30, 2015, Plaintiff filed a Motion for Leave to file his Second Amended Complaint. Dkt. 38. Although a court should freely grant leave to amend under Federal Rule of Civil Procedure 15(a), "[a] district court does not abuse its discretion in denying leave to amend if amendment would be futile." *Johnson v. Teva Pharm. USA, Inc.*, 758 F.3d 605, 610 (5th Cir. 2014); *see also* 6 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1487 (3d ed. 2015) ("a proposed amendment that clearly is frivolous, advancing a claim or defense that is

legally insufficient on its face, or that fails to include allegations to cure defects in the original pleading, should be denied.”). Prior unsuccessful amendments may also justify granting dismissal with prejudice. *See Priester v. JP Morgan Chase Bank, N.A.*, 708 F.3d 667, 678 (5th Cir. 2013).

Because Plaintiff has already amended his complaint in response to a Motion to Dismiss and has failed to correct the deficiencies in his pleadings, the Court finds that any additional amendments to Plaintiff’s complaint would be futile. Accordingly, it is **ORDERED** that Plaintiff’s Motion for Leave to File his Second Amended Complaint (Dkt. 38) is hereby **DENIED**.

SIGNED, at Galveston, Texas July 29, 2015.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE